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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,036	07/08/2003	Akiya Saito	23987IUS6	6715
22850	7590	08/11/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ABRISHAMKAR, KAVEH	
		ART UNIT	PAPER NUMBER	
			2131	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,036	SAITO ET AL.	
	Examiner	Art Unit	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3,4,6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3,4,6 and 9-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This action is in response to the Pre-Brief Conference Request filed on February 27, 2006. Claims 3-4, 6, and 9-15 are currently being considered.

Claim Rejections - 35 USC § 112

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The final limitation in the claim states "performing an error process when the hardware identification information does not represent hardware that the medium identification information represents." However, there is no step delineating what happens if the hardware identification information does represent the medium identification information.

3. Claim 6 recites the limitation "the hardware identification information" in the final limitation of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-4, 6, and 9, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (U.S. Patent Pub. No. US 2004/0042363).

Regarding claim 3, Kobayashi discloses:

A data recording medium, comprising:

“medium identification information unique to the data recording medium has been recorded thereon” (paragraph 37),
a “plurality of programs having been recorded on the data recording medium” (paragraph 37), wherein the “medium identification information includes information with which one of the plurality of programs is designated” (paragraph 37), and “a starting program, recorded on the data recording medium, configured to cause a program of the plurality of programs, designated by the medium identification information to automatically execute” (paragraphs 39-40).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Kobayashi discloses:

The data recording medium as set forth in claim 3, wherein the data recording medium is bundled with the hardware (paragraph 39).

Regarding claim 6, Kobayashi discloses:

A program starting method for executing a program recorded on a recording medium, comprising:

obtaining medium identification information (paragraph 37);
determining a type that the medium identification information represents (paragraph 37);
selectively executing a program corresponding to the type that the medium identification information represents, the execution being actuated by a starting program recorded on the recording medium (paragraphs 37-40); and
performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (paragraphs 39, 41).

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium according to claim 3, wherein said starting program is further configured to verify the medium identification information and a presence of a hardware device (paragraph 39).

Claim 11 is rejected as applied above in rejecting claim 4. Furthermore, Cok discloses:

The data recording medium according to claim 4, wherein at least one of the plurality of programs is application software for use with the hardware device (paragraphs 39-40).

Claim 12 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium according to claim 3, wherein the medium identification information includes hardware recognition information (paragraph 39).

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Cok discloses:

The data recording medium according to claim 12, wherein one of the plurality of programs is started based on at least one of a presence or recognition of a hardware device (paragraph 37).

Claim 14 is rejected as applied above in rejecting claim 6. Furthermore, Cok discloses:

The data recording medium according to claim 6, wherein the medium identification information includes hardware recognition information (paragraph 39).

Claim 15 is rejected as applied above in rejecting claim 13. Furthermore, Cok discloses:

The data recording medium according to claim 13, wherein said selectively starting includes starting of one of the plurality of programs based on at least one of a presence or recognition of a hardware device (paragraphs 37-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi ((U.S. Patent Pub. No. US 2004/0042363).

Claim 10 is rejected as applied above in rejecting claim 3. Kobayashi does not explicitly disclose that one of the programs is a user manual. However, it is well-known in the art that software programs (stored on a computer-readable medium) include user manual files, in order to allow the user to understand and utilize the programs that accompany the user manual on the medium. Furthermore, Kobayashi states that that the programs stored on the disc can include audio, video, or text data (paragraph 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a user manual on the computer-readable medium so that the user is provided with a set of instructions on how to use the software on the disc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KA
08/04/2006


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